

# GULF COAST BREEZE.

R. Don McLeod Jr., Editor.

CRAWFORDVILLE, FLA., JULY 9, 1897

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## EDITORIAL.

Bro. Pratt, of the Leesburg Commercial, must have gone fishing last week, and left his office with Rip Van Winkle. His items clipped from the BREEZE were credited to the Crawfordville Times, a paper that died in its infancy some two years ago.

The appointment of a Gulf coast negro fisherman to be postmaster of Crawfordville, where four fifths of the population are white, has justly aroused the ire of our people. As a fisherman and farmer, Amos Hargrett, Jr., the negro boy appointed, stands alright with our people, but they do not want him for postmaster. Such appointments as this will ever keep the South solid against the party making them.

While the decision or opinion of a county judge cannot directly affect the validity or force of a statute law, the conclusions and deductions of Judge Jones are reasonable, and may serve as a pointer to others in arriving at a verdict; and if all the county judges and jurors place the same construction on the law as Judge Jones does, and render a verdict of not guilty, the law will be as dead in effect, as if declared so by a Supreme court decision.

Judge Minor S. Jones, whose opinion on the fish law we publish in another column, is a Georgian by birth, but has spent most of his life in Florida. He is a bright brainy fellow, and though somewhat eccentric, he ought to hold a higher judgeship than that of county judge. Many of our readers will probably remember his father, Col. Jones of Atlanta, Ga., who came to Florida many years ago and was for awhile a partner in the ownership of the Old Floridian with Capt. Dyke.

Two big alligators attacked a baptising party in the St. Johns river, at White Mound last Tuesday. Rev. James Stewart, colored, the minister in charge, was caught and carried under while trying to save a woman, who was the first attacked. The preacher was plucky, and forced his fingers into the alligator's eyes until it loosened its hold. The congregation joined in the fight, but the alligators did not give up the struggle until fired on by a party of hunters, who came up in the nick of time. The preacher was badly bitten on the arm, and had to be carried home.

The Georgia Bar Association has evidently discovered that that grand old state is behind Florida in point of criminal procedure. At its annual meeting last week it was agreed to urge the Legislature to pass laws embodying the following: "That the state and defendant in criminal cases should be put on equality in the challenges of jurors." "That prisoners who desire to make any statements on their own behalf shall do so under oath and subject to cross examination; that in lieu of the right to make a statement, as is now practiced, the defendant shall have the right to be sworn as a witness in his own behalf." This is already the law in Florida.

## IMPORTANT DECISION.

In the county court of Crawford county, the case of the State of Florida vs. J. W. Rodgers, charged with violating the Fuller Fish law, was submitted to judge Jones for trial without a jury.

The defendant confessed to the catching of mullet, but denied that any other kind of fish had been taken by him, and the state admitted that the claim was true. On this submission the court held that Rogers was not guilty, as mullet, by a fair construction of the act, were not included in the close season beginning June 15 and ending August 15th, and that the catching of mullet was prohibited only from the 15th of November to the 31st day of December.

This is a very important case at this time, and the opinion of the court may be interesting to the public, so we give below the reasoning of the court.

"The necessity for the construction of statutes is nothing new in the courts of Florida," says the judge, "and our Supreme court has laid down completely and clearly the rules for such construction. I understand well that no court may depart from the plain meaning of the statute on the ground that it is unwise or unreasonable. The argument that the act of the Legislature will bring hunger and distress into the homes of a large and useful class of our people at a time when the avenues of employment otherwise are closed to them is of no force—the divine principle of tempering the wind to the shorn lamb is of no avail—in the construction of statutes. But if the statute, or any part of it be ambiguous and uncertain, the courts may declare the true and evident intention of the legislature, and they ought to do it. There is no question in my mind about the ambiguity in this law as to mullet.

"In constructing a statute less regard may be paid to the words used than to the evident policy which dictates it. Let us see, in this light, whether my opinion is correct. Can it be possible that the legislature intended to practically prohibit the catching of mullet? If so, where is the policy of it? the mullet is the poor man's fish. It is to the poor of the South what the sturgeon is to the poor of the North. It is at its best as an article of food in the months of June, July, and August, and is hardly edible

and of no value, except for its roe, at other periods. Can it be presumed that our legislature, in the midst of universal distress, intended to cut off a great, cheap food source from our people just at the season when it was most available to them?

In view of the uncertainty existing in the statute about mullet with reference to Summer prohibition, I shall give the legislature the benefit of the doubt and acquit them of any such intention. Unless, then, the legislature, with all certainty included mullet in the summer prohibition, the policy of the law will exclude mullet from such prohibition.

"The statute provides that it shall be unlawful to use or employ any seines or nets in the catching of any fish in the waters of this State, between the 15th day of June and the 15th day of August of each and every year, or to catch any mullet in said waters between the 15th day of November and the 31st day of December in each and every year, etc. Now while the disjunctive 'or' in plain cases of necessity, may be construed to mean 'and', yet we cannot discard entirely all grammatical consideration of the word 'or' in its connection here, and to allow its obvious and ordinary significance, will be to exclude mullet from the summer prohibition. Besides it is a rule of construction that in statutes which treat of specific persons or things the law cannot be extended as to such specific persons or things by general terms. Thus we have a law treating specifically of mullet, and, in it the general word 'fish' used disjunctively to the specific treatment of mullet, cannot be technically extended to include mullet. Mullet are as much excluded by this view as terrapin would be, if the law read 'or to catch any terrapin in said waters between the 15th day of November and the 31st day of December', etc.

"It follows, therefore, that mullet may be so taken between the 15th day of June and the 15th day of August, but no other fish; and that other fish may be caught between the 15th of November and the 31st of December, but no mullet."

President Garces and Cashier Girault, of the American National bank of New Orleans, were sentenced last week to eight years in the penitentiary, for squandering the banks funds. They got off light. If they had lived in China and caused their bank to fail, their heads would have been chopped off.

It strikes us that the people have begun rather early to roast the recreant members of the Florida legislature. It will cool off before the next election, and some of the naughty boys who voted exactly opposite to the pledges made to their constituents will slip in again.

## STATE NEWS.

Two more cases of small pox have been discovered in Fort Meade.

The luscious Florida watermelon is moving northward now by trainloads.

Mrs. Amelia Perkins, one of Tallahassee's oldest citizens, died Tuesday of old age.

Miss Fannie Sheppard has been appointed post mistress at Bristol and has tendered her bond.

The merchants of St. Augustine are signing an agreement to close their stores every Thursday at 1 o'clock for the remainder of the day.

The people of Liberty county are making it rather warm for their representative, Mr. Sheppard, for voting for Col. Chipley in the recent Senatorial race.

The Tallahasseean says:—The Railroad Commissioners met Thursday and formed a temporary organization by electing Hon. R. H. M. Davidson Chairman and Mr. H. E. Day Secretary. Mr. Davidson was subsequently made permanent chairman.

Pensacola News:—Day and night, without cessation, the busy minutes are clicked off in Pensacola by the sound of the immense steam hammers on Tarragona street wharf, driving piling for the foundation of the great grain elevator which will soon be pouring steady streams which come here for cargo for foreign ports.

A serious wreck was caused Sunday near Pensacola, by some boys putting a hand car on the track of the L. & N. R. Co. to take a ride and being unable to get it off again in time to avoid a collision with a train of empty flat cars. Two brakemen, Joe Jones and Henry Davis, were killed and Conductor Martin Merritt was badly injured.

Pensacola is preparing for a big corn fair on the 28th of this month. The News says:—July 28th is going to be a great day. The program of sports and unique entertaining feature will be such that it will well be worth traveling miles to see. Merely nominal excursion rates will be given by the Louisville and Nashville road, and the display of corn will be the finest ever seen in Florida.

Florida is soon to be the home of a jungle of wild animals from Africa. Two thousand acres of wild forest and swamp lands near Lake Okechobee, between the Kissimmee and St. John's Rivers has been purchased by the Ringling Bros., of Circus fame, and they are now placing on it pairs of wild beasts for breeding purposes. It is proposed to raise for the market such animals as lions, tigers, panthers, elephants, hippopotami, tigers, bears and zebras, with ostriches and huge snakes of the python and similar species as a side feature.

Here is an analysis of love sent in to the Pensacola News:—"You invite the young folks to analyze love. It cannot be done. No lexicographer, ancient or modern, has ever correctly given a definition of the term. It is a something without beginning or end, a mysterious boundless, immeasurable fact or fancy—fact today and fancy to-morrow. It is a disease without pain and pain without disease. It is a tonic most exhilarating and a 'depressor' that will reduce your pulse below normal quicker than the maximum dose of antifebrin. It is a panacea for heartache and a specific for the 'blues,' and influences that will guide aright your footsteps; an incentive to laudable ambition, and, in short, it is the unseen force that controls the every act of man and the destiny of empires."

## CIVIL APPOINTMENTS.

The following are the civil appointments made by the governor during the past week.

J. C. Burleigh, Avon Park, notary public for the state at large.

Edward Cunningham, Tampa, notary public for the state at large.

Jno. G. Reardon, Ocala, notary public for the state at large.

B. L. Hickman, Churchill, notary public for the state at large.

M. A. Beasley, High Springs, Justice of the Peace, 20th Dist. Alachua county.

L. P. Tracy, Fernandina, Justice of the Peace, 4th Dist. Nassau.

D. M. Pappy, St. Augustine, notary public for the state at large.

A. J. Corbett, St. Augustine, notary public for the state at large.

R. A. Anderson, Jacksonville, notary public for the state at large.

B. J. Stewart, Bovine, notary public for the state at large.

T. J. Coehshutt, Latifrange, notary public for the state at large.

J. M. Stuckey, Caryville, constable 3rd Dist. Washington county.

If you want a sample copy of the BREEZE send us your address.

## Legal Advertisements.

### Notice.

My wife, Rose Day, colored, having abandoned my home without cause, I hereby forbid any person crediting or harboring her. I will not be responsible for any debt she may contract.

John Day,  
Crawfordville Fla., July 7 1897.

## STATEMENT.

Made under Sec. 34, chapter 4322, Laws of Florida, showing the amount charged to the Tax Collector of Wakulla county Florida, to be collected for the current year, 1896, and the apportionment of the same to the several funds for which such taxes were levied, including poll tax with county school fund.

Total amount charged,	\$5,972.08
Col. and pd. to Treas., to July 6 1897,	4,933.42
	1,038.66
APPORTIONMENT.	
County proper tax,	2,304.82
Col. and pd. to Treas., to July 6 1897,	1,961.51
	343.31
County School Tax,	2,975.82
Col. and pd. to Treas., to July 6 1897,	2,396.45
	579.37
Judgement tax,	230.48
Col. and pd. to Treas., to July 6 1897,	195.16
	35.32
Fine and forfeiture tax,	460.96
Col. and pd. to Treas., to July 6 1897,	390.30
	70.66

Attest J. J. Harrell,  
July 6th, 1897. Clerk Circuit Court.

## New Hardware Store.

We have recently opened up a new hardware store next door to the Tallahassee office. A full line of all kinds of Hardware Agricultural Implements Stoves, Tinware, &c. Also Lime, Cement, Plaster, Brick and Hair.

Call and see us

Gilmore & Davis Co.

Tallahassee Florida.